

# AGENDA

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 24, 2007  
HUNTINGTON BEACH CIVIC CENTER  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

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5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley*

### AGENDA APPROVAL

#### A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. BELLA TERRA II – Jane James

A-2. GENERAL PLAN CONFORMANCE NO. 07-002 (CITY OF HUNTINGTON BEACH CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR 2007/08)  
– Rosemary Medel

A-3. ZONING TEXT AMENDMENT NO. 07-003 (MEDICAL MARIJUANA DISPENSARIES) – Ricky Ramos

#### B. STUDY SESSION ITEMS - NONE

#### C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland

#### D. PLANNING COMMISSION COMMITTEE REPORTS

#### E. PUBLIC COMMENTS – Regarding Project Review and Study Session portions of Meeting

Anyone wishing to speak on Project Review or Study Session items during PUBLIC COMMENTS may do so by filling out a Request To Speak form and giving it to the Secretary. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

#### F. PLANNING COMMISSION COMMENTS

6:30 P.M. – RECESS FOR DINNER

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** *Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley*

**AGENDA APPROVAL**

**PRESENTATION OF PLANNING COMMISSION RESOLUTION TO OUTGOING COMMISSIONER FLOSSIE HORGAN.**

**A. ORAL COMMUNICATIONS**

Anyone wishing to speak during ORAL COMMUNICATIONS must fill out and submit a form to speak. The Planning Commission can take no action on this date, unless the item is agendized. Any one wishing to speak on items not on tonight's agenda, a closed public hearing item, or on non-public hearing items may do so during ORAL COMMUNICATIONS. Please note comments on closed public hearing items will not be part of the permanent entitlement record. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

**B. PUBLIC HEARING ITEMS:**

Anyone wishing to speak during an open PUBLIC HEARING must fill out and submit a form to speak. The public may address the Planning Commission only during the open PUBLIC HEARING items or during ORAL COMMUNICATIONS. Please review the agenda to determine whether the PUBLIC HEARING item is open or closed. If the PUBLIC HEARING on an item is closed, you will not be permitted to speak during that portion of the agenda and may wish to address your concerns during the ORAL COMMUNICATIONS portion of the agenda. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, WITH A MAXIMUM TIME DONATION OF 8 MINUTES, FOR A TOTAL OF 12 MINUTES PER SPEAKER)

**PROCEDURE:** Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

**B-1. [CONDITIONAL USE PERMIT NO. 07-017 \(SHARKEEZ DANCING – CONTINUED FROM JULY 10, 2007 WITH PUBLIC HEARING TO BE OPENED\):](#)**

**Applicant:** Michael C. Adams Associates. **Request:** To permit dancing in conjunction with previously approved entertainment within an existing 2,625 sq. ft. restaurant. The request includes a proposal to address the requirement for one additional parking space by limiting use of previously approved outdoor dining area within the public right-of-way to customer queuing when dancing occurs. **Location:** 211 Main Street, 92648 (Northwest side of Main Street, between Olive Ave and Walnut Ave). **Project Planner:** Ron Santos

**STAFF RECOMMENDATION:** Motion to: "Deny Conditional Use Permit No. 07-017 with suggested findings for denial."

**B-2. CONDITIONAL USE PERMIT NO. 07-021 (RA SUSHI):** **Applicant:** Valentina Allen, Kerr Project Services **Request:** To permit the establishment, maintenance and operation of a restaurant with on-site sale and consumption of alcoholic beverages. **Location:** 155 5<sup>th</sup> Street, Unit 183, 92648 (north side of Pacific Coast Highway, between 5<sup>th</sup> St. and 6<sup>th</sup> St. – The Strand) **Project Planner:** Rami Talleh

**STAFF RECOMMENDATION:** Motion to: “Continue Conditional Use Permit No. 07-021 to the August 14, 2007 Planning Commission meeting with the public hearing to be opened.”

**C. CONSENT CALENDAR - NONE**

**D. NON-PUBLIC HEARING ITEMS - NONE**

**E. PLANNING ITEMS**

- E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**
- E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
- E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS - NONE**

**F-2. PLANNING COMMISSION COMMENTS**

Commissioner Shier-Burnett -  
Commissioner Speaker -  
Vice Chairperson Livengood –  
Chairperson Scandura -  
Commissioner Shaw -  
Commissioner Dwyer -  
Commissioner Farley -

**ADJOURNMENT:** Adjourn to the next regularly scheduled meeting of August 14, 2007.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission is final unless an appeal is filed to the City Clerk by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property or Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. The appeal shall be submitted to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action.

Copies of staff reports and/or written materials on each agenda item are on file in the Planning Department, for inspection by the public. A copy of the agenda packet is also available at the Central Library (7111 Talbert Avenue).

**DVD'S OF MEETINGS ARE AVAILABLE FOR PUBLIC CHECK OUT AT THE CENTRAL LIBRARY, AND FOR DUPLICATION SERVICES IN THE CITY CLERK'S OFFICE.**

## HUNTINGTON BEACH PLANNING COMMISSION

### Public Hearing Procedures

This statement has been prepared to provide a better understanding of the procedures for public hearings before the Planning Commission.

Regular meetings of the Planning Commission are held on the second and fourth Tuesdays of each month beginning at 5:15 p.m. in Room B-8 for a study session and then at 7:00 PM in the Council Chambers. Adjourned meetings, special meetings, and Study Sessions may be scheduled at other times.

Planning Commission proceedings are governed by the Planning Commission By-Laws, Robert's Rules of Order and the Brown Act. The following is the typical sequence of events on public hearing items:

- A. The Chairperson shall announce the item and if the public hearing is open or closed.
- B. The Planning Commission shall disclose any discussions, conversations, etc., with applicants, applicant's representatives or property owners.
- C. The staff report is presented.
- D. Questions by the Planning Commission concerning the staff report may be answered at this time.
- E. The public hearing is opened by the Chairperson.
- F. The applicant or appellant is given an opportunity to address the Commission. Time is not limited but left to the Chairperson's discretion.
- G. Public Comments: Staff will call all speakers by name. Please proceed to the podium. Individuals favoring and opposing the proposal are given an opportunity to address the Commission (up to four (4) minutes), or may choose to donate their time to another speaker if the "Request to Speak" form is filled out and given to the Secretary. A speaker who addresses the Commission on behalf of individuals who donate time are allowed a maximum of 12 minutes. Individuals who donate time must be present when the item is being discussed. Please state your name before addressing the Commission.
- H. The Commission may ask questions of speakers addressing the Commission.
- I. The public hearing is closed.
- J. The Commission will deliberate the matter at this time.
- K. The Commission then acts on the matter by continuing, approving, conditionally approving, or denying the petition.

The Planning Commission receives a staff report packet on the Tuesday preceding the meeting, allowing time to review each case and make further investigations in the field prior to the scheduled meeting.

Staff reports are available in the Planning Department, the Central Library and on the City's website ([www.surfcity-hb.org](http://www.surfcity-hb.org)) anytime on Wednesday preceding the Tuesday Planning Commission meeting.



City of Huntington Beach Planning Department  
**STUDY SESSION REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning  
**BY:** Rosemary Medel, Associate Planner *RM*  
**DATE:** July 24, 2007  
**SUBJECT: GENERAL PLAN CONFORMANCE NO. 07-002 (CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2007/08)**

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**PROJECT REQUEST AND SPECIAL CONSIDERATIONS**

The 2007/08 Capital Improvement Program (CIP) is a list of proposed projects recommended for planning, initiation, or construction during the next fiscal year. The role of the Planning Commission in reviewing a CIP is to ensure the conformity of each project with the goals and policies of the General Plan.

**CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS**

Not applicable.

**APPLICATION PROCESS AND TIMELINES**

<b><u>DATE OF COMPLETE APPLICATION:</u></b>	<b><u>MANDATORY PROCESSING DATE(S):</u></b>
July 13, 2007	August 22, 2007 (within 40 days of submittal)

**CEQA ANALYSIS/REVIEW:**

Not Applicable

**COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES:**

The capital projects that are recommended by City Departments for Fiscal Year 2007/08 have been compiled into one comprehensive list (Attachment No. 1).

**PUBLIC MEETINGS, COMMENTS AND CONCERNS:**

The draft capital improvements program (CIP) was presented to the Public Works Commission (PWC) on July 18, 2007.

## **PLANNING ISSUES**

The study session provides the Planning Commission with an opportunity to review the proposed Capital Improvement Program and ask questions on the intent and conformity with the General Plan. General Plan Conformance No. 07-002 is scheduled for action by the Planning Commission on August 14, 2007. The benefit and funding source for individual projects listed in the CIP will be reviewed and approved by the City Council.

Attachment No. 1 represents the coordinated list of all capital projects recommended by City Departments for Fiscal Year 2007/08. Projects are summarized by subject category.

## **ATTACHMENT:**

1. Exhibit A- 2007/2008 Capital Improvement Program (GPC No. 07-002)

## EXHIBIT A

### PLANNED PROJECTS AND GENERAL PLAN POLICIES FOR CAPITAL IMPROVEMENTS PROGRAM FY 2007/2008 (GENERAL PLAN CONFORMANCE NO. 07-02)

The following is a list of planned projects for Fiscal Year 2007/2008 Capital Improvements Program (CIP). The list is divided into categories by subject. Below each project group is a listing of the relative General Plan policies.

#### **I. DRAINAGE IMPROVEMENTS**

##### **A. Planned Projects:**

1. Talbert Lake Diversion Urban Runoff Treatment Project Phase 2  
*Diversion of dry weather urban runoff from the East Garden Grove Wintersburg Channel into Central Park for treatment and rehabilitation of Shipley Nature Center and Huntington Lake*

##### **B. General Plan Policies:**

**ERC 2.1.21** Require efforts which reduce urban storm water (as defined in the Environmental Resources/Conservation Element- d. development of plans to modify flood control channels that empty into the Bolsa Chica, Huntington Beach Wetlands and beach areas. These modifications should enhance the upstream ability to remove harmful constituents from runoff before entering the wetlands, while not altering the flood control ability)

**ERC 2.1.28** Desilt Talbert Lake, if determined by the City of Huntington Beach Public Works Department to be economically feasible and environmentally responsible.

**U 3.1.1** Maintain existing public storm drains and flood control facilities, upgrade and expand storm drain and flood control facilities.

#### **II. FACILITY IMPROVEMENTS**

##### **A. Planned Projects:**

1. Central Library Cool Roof  
*Install "cool roof" coating on the roof of Central Library to reduce energy consumptions for heating and cooling*
2. Corporation Yard Building B Roof Replacement  
*Replace roof on Building B (Fleet maintenance garage) at the Corporation Yard*
3. Energy Efficient Lighting Retrofit  
*Replace lighting fixtures with third generation T-8s at several city facilities*
4. Fire station Broadband Wireless Installation  
*Install broadband wireless capabilities for all fire stations and emergency response vehicles.*
5. Oakview Gym Renovation  
*Renovate interior of facility, includes complete replacement of gym floor, ceiling and ventilation equipment.*

ATTACHMENT NO. 1.1

**B. General Plan Policies:**

**LU 13.1.1** Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy 7.1.1.

**PF 6.1.3** Maintain or improve the governmental facilities and services in order to meet the adopted levels of service and standards established in the Growth Management Element.

**III. NEIGHBORHOOD IMPROVEMENTS**

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**A. Planned Projects:**

1. CDBG Concrete Construction  
*Make curb, gutter, sidewalk and curb ramp improvements*
2. Residential Concrete/Trees  
*Remove and replace curb, gutter, sidewalk, street trees and restore proper drainage*

**B. General Plan Policies:**

**CE 2.1.3** Identify and improve roadways and intersections that are approaching, or have reached, unacceptable levels of service.

**CE 6.1.6** Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments, schools, and public facilities.

**IV. SEWER IMPROVEMENTS**

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**A. Planned Projects:**

1. Sewer Lift Stations  
*Design and construct sewer lift stations*
2. Sewer Main Capacity Improvements  
*Improve sections of sewer main identified as deficient*

**B. General Plan Policies:**

**LU 2.1.1** Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

**PF 6.1.1** Ensure adequate government facilities and services are being provided to meet the needs of the City's population.

**V. STREETS AND TRANSPORTATION IMPROVEMENTS**

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**A. Planned Projects:**

1. Arterial Highway Rehabilitation  
*Resurface segments of McFadden Ave, Yorktown Ave. Graham St, and Garfield Ave.*

ATTACHMENT NO. 1.2



2. Safe Routes to School

*Install traffic signals, signage and marking in the vicinity of Newland elementary school*

**B. General Plan Policies:**

**CE 1.2.1** Enhance circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, capacity and associated features such as medians and bicycle lanes.

**CE 1.2.3** Maintain primary truck routes that sustain an effective transport of commodities while mitigating the negative impacts on local circulation and on noise sensitive land.

**CE 6.1.10** Implement appropriate traffic devices and operational programs throughout the community to ensure that conflicts between pedestrians, bicycles, and vehicles are minimized and safety enhanced.

## **VI WATER IMPROVEMENTS**

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**A. Planned Projects:**

1. Transmission Improvements  
*Install water circulation and capacity improvements around Peters Landings area*
2. Water Main Replacement  
*Replace old or undersized water lines*
3. Chlorination Upgrades for Well #13  
*Modify room and install secondary containment vessels*

**B. General Plan Policies:**

**LU 2.1.1** Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

**U 1.1.1** Monitor the demands on the water system, manage the development to mitigate impacts and/or facilitate improvements to the water supply and distribution system, and maintain and expand water supply and distribution facilities.

**U 1.1.3** Continue to evaluate the adequacy of the water supply and distribution system.

ATTACHMENT NO. 1.3



## City of Huntington Beach Planning Department **STUDY SESSION REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning  
**BY:** Ricky Ramos, Associate Planner *RR*  
**DATE:** July 24, 2007

**SUBJECT: ZONING TEXT AMENDMENT NO. 07-003 (MEDICAL MARIJUANA DISPENSARIES)**

**LOCATION:** Industrial Districts Citywide

### **PROJECT REQUEST AND SPECIAL CONSIDERATIONS**

Zoning Text Amendment No. 07-003 is a request to amend Chapters 204 and 212 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to delete all references to medical marijuana dispensaries.

### **CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Citywide	I (Industrial)	IG (General Industrial), IL (Limited Industrial)	Industrial

### **APPLICATION PROCESS AND TIMELINES**

DATE OF COMPLETE APPLICATION:

Not applicable

MANDATORY PROCESSING DATE:

Legislative Action-Not Applicable

The application is tentatively scheduled for the Planning Commission meeting of August 14, 2007 with City Council public hearing to follow.

### **CEQA ANALYSIS/REVIEW**

The proposed zoning text amendment is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act.

## **COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES**

The City Attorney's Office initiated this amendment pursuant to an H-Item from Mayor Coerper which was approved by the City Council.

## **PUBLIC MEETINGS, COMMENTS AND CONCERNS**

There have been no public meetings or comments regarding this request.

## **PLANNING ISSUES**

In 2005 the City Council adopted Ordinance No. 3703 to permit medical marijuana dispensaries in the IG (General Industrial) and IL (Limited Industrial) zones within the city. A recent federal decision has affirmed once more that even where an individual appropriately adheres to California law under Proposition 215 (Compassionate Use Act), he or she may be prosecuted under federal law for the use, possession, or distribution of marijuana. This zoning text amendment proposes to delete all references to medical marijuana dispensaries from the HBZSO consistent with recent case law (see Attachment Nos. 2.6-2.7, 2.13, 2.20-2.21). The request is a housekeeping item and presents minimal planning issues.

## **ATTACHMENTS:**

1. Ordinance Amending Chapters 204 and 212 of the HBZSO
2. Legislative Draft of Chapters 204 and 212 of the HBZSO

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING  
CHAPTERS 204 AND 212 OF THE HUNTINGTON BEACH ZONING  
AND SUBDIVISION ORDINANCE PERTAINING TO MEDICAL MARIJUANA  
DISPENSARIES

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That language in subsection R of Section 204.10 of the Huntington Beach Zoning and Subdivision Ordinance is hereby deleted. (For clerical purposes the letter "R" has been retained.)

SECTION 2. In Section 212.04 Land Use Controls, reference to Medical Marijuana Dispensary and Provision L-13 are hereby deleted in their entirety.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

INITIATED AND APPROVED AS TO  
FORM:

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Administrator

  
\_\_\_\_\_  
City Attorney

4.28.07

**LEGISLATIVE DRAFT****Chapter 204 Use Classifications**

(3334-6/97, 3378-2/98, 3521-2/02, 3568-9/02, 3669-12/04, Emergency Ord. 3703-3/05, 3724-02/06, 3757-1/07)

**Sections:**

204.02	Applicability
204.04	Uses Not Classified
204.06	Residential Use Classifications
204.08	Public and Semipublic Use Classifications
204.10	Commercial Use Classifications
204.12	Industrial Use Classifications
204.14	Accessory Use Classifications
204.16	Temporary Use Classifications

**204.02      Applicability**

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Title. The Director may determine that a specific use shall not be deemed to be within a classification, if its characteristics are substantially different than those typical of uses named within the classification. The Director's decision may be appealed to the Planning Commission. (3334-6/97)

**204.04      Uses Not Classified**

Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning provisions by a Zoning and Subdivision Ordinance text amendment, as provided in Chapter 247. Such an incorporation shall not be effective unless certified by the Coastal Commission as a Local Coastal Program amendment. (3334-6/97)

**204.06      Residential Use Classifications**

- A. Day Care, Limited (or Small-Family). Non-medical care and supervision of six or fewer persons, or eight or fewer persons if two of the persons are six years of age or older, on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits. This classification includes nursery schools, preschools, and day-care centers for children and adults. (3334-6/97, 3669-12/04)
- B. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boarding houses, but excludes residential hotels or motels. (3334-6/97)
- C. Multifamily Residential. Two or more dwelling units on a site. This classification includes manufactured homes. (3334-6/97)
- D. Residential Alcohol Recovery, Limited. Twenty-four-hour care for no more than six persons suffering from alcohol problems in need of personal services,

supervision, protection or assistance. This classification includes only those facilities licensed by the State of California. (3334-6/97)

- E. Residential Care, Limited. Twenty-four-hour non-medical care for 6 or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California. (3334-6/97)
- F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes manufactured homes. (3334-6/97)

## **204.08 Public and Semipublic Use Classifications**

- A. Cemetery. Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery, business and administrative offices, chapels, flower shops, and necessary maintenance facilities. (3334-6/97)
- B. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers. (3334-6/97)
- C. Community and Human Service Facilities.
  - 1. Drug Abuse Centers. Facilities offering drop-in services for persons suffering from drug abuse, including treatment and counseling without provision for on-site residence or confinement. (3334-6/97)
  - 2. Primary Health Care. Medical services, including clinics, counseling and referral services, to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement. (3334-6/97)
  - 3. Emergency Kitchens. Establishments offering food for the "homeless" and others in need. (3334-6/97)
  - 4. Emergency Shelters. Establishments offering food and shelter programs for "homeless" people and others in need. This classification does not include facilities licensed for residential care, as defined by the State of California, which provide supervision of daily activities. (3334-6/97)
  - 5. Residential Alcohol Recovery, General. Facilities providing 24-hour care for more than six persons suffering from alcohol problems, in need of personal services, supervision, protection or assistance. These facilities may include an inebriate reception center as well as facilities for treatment, training, research, and administrative services for program participants and employees. This classification includes only those facilities licensed by the State of California. (3334-6/97)
  - 6. Residential Care, General. Twenty-four-hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed by the State of California.  
(3334-6/97)

- D. Convalescent Facilities. Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services. (3334-6/97)
- E. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries. (3334-6/97)
- F. Day Care, Large-Family. Non-medical care and supervision for 7 to 12 persons, or up to 14 persons if two of the persons are six years of age or older on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits.  
(3334-6/97, 3669-12/04)
- G. Day Care, General. Non-medical care for 13 or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day-care centers for children or adults. (3334-6/97, 3669-12/04)
- H. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis. (3334-6/97)
- I. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. (3334-6/97)
- J. Heliports. Pads and facilities enabling takeoffs and landings by helicopter.  
(3334-6/97)
- K. Hospitals. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for out-patient treatment, as well as training, research, and administrative services for patients and employees. (3334-6/97)
- L. Maintenance and Service Facilities. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities. (3334-6/97)
- M. Marinas. A boat basin with docks, mooring facilities, supplies and equipment for small boats. (3334-6/97)
- N. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces. (3334-6/97)
- O. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection. (3334-6/97)
- P. Religious Assembly. Facilities for religious worship and incidental religious education, but not including private schools as defined in this section. (3334-6/97)
- Q. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California.  
(3334-6/97)
- R. Utilities, Major. Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, transfer, recycling or disposal facilities, flood control or drainage facilities, water or wastewater

treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. (3334-6/97)

- S. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling and collection containers. (3334-6/97)

## 204.10

### Commercial Use Classifications

- A. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles as regulated by Chapter 5.20. (3334-6/97, 3378-2/98)
- B. Animal Sales and Services.
1. Animal Boarding. Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care, and kennels. (3334-6/97)
  2. Animal Grooming. Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding for a maximum period of 48 hours. (3334-6/97)
  3. Animal Hospitals. Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air- conditioned. Grooming and temporary (maximum 30 days) boarding of animals are included, if incidental to the hospital use. (3334-6/97)
  4. Animals: Retail Sales. Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours. (3334-6/97)
  5. Equestrian Centers. Establishments offering facilities for instruction in horseback riding, including rings, stables, and exercise areas. (3334-6/97)
  6. Pet Cemetery. Land used or intended to be used for the burial of animals, ashes or remains of dead animals, including placement or erection of markers, headstones or monuments over such places of burial. (3334-6/97)
- C. Artists' Studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. (3334-6/97)
- D. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities. (3334-6/97, 3378-2/98)
1. With Drive-up Service. Institutions providing services accessible to persons who remain in their automobiles. (3334-6/97)
- E. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but



excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services. (3334-6/97, 3378-2/98)

- F. Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also Eating and Drinking Establishments.) (3334-6/97, 3378-2/98)
- G. Commercial Filming. Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year. (See also Chapter 5.54, Commercial Photography) (3334-6/97, 3378-2/98)
- H. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors and poolrooms as regulated by Chapter 9.32; dance halls as regulated by Chapter 5.28; ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, health/fitness clubs, pinball arcades or electronic games centers, cyber café having more than 4 coin-operated game machines as regulated by Chapter 9.28; card rooms as regulated by Chapter 9.24; and fortune telling as regulated by Chapter 5.72. (3334-6/97, 3378-2/98, 3669-12/04)
  - 1. Limited. Indoor movie theaters, game centers and performing arts theaters and health/fitness clubs occupying less than 2,500 square feet. (3334-6/97)
- I. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; telegraph offices; and wireless communication facilities. (3334-6/97, 3378-2/98, 3568-9/02)
- J. Eating and Drinking Establishments. Businesses serving prepared food or beverages for consumption on or off the premises. (3334-6/97, 3378-2/98)
  - 1. With Fast-Food or Take-Out Service. Establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption. (3334-6/97)
    - a. Drive-through. Service from a building to persons in vehicles through an outdoor service window. (3334-6/97)
    - b. Limited. Establishments that do not serve persons in vehicles or at a table. (3334-6/97)
  - 2. With Live Entertainment/Dancing. An eating or drinking establishment where dancing and/or live entertainment is allowed. This classification includes nightclubs subject to the requirements of Chapter 5.44 of the Municipal Code. (3334-6/97)
- K. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments. (3334-6/97, 3378-2/98)

1. With Alcoholic Beverage Sales. Establishments where more than 10 percent of the floor area is devoted to sales, display and storage of alcoholic beverages. (3334-6/97)
- L. Food Processing. Establishments primarily engaged in the manufacturing or processing of food or beverages for human consumption and wholesale distribution. (3334-6/97, 3378-2/98)
- M. Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries. (3334-6/97, 3378-2/98)
- N. Horticulture. The raising of fruits, vegetables, flowers, trees, and shrubs as a commercial enterprise. (3334-6/97, 3378-2/98)
- O. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry. (3334-6/97, 3378-2/98)
- P. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats; see (Vehicle/Equipment Repair). (3334-6/97)
- Q. Marine Sales and Services. Establishments providing supplies and equipment for shipping or related services or pleasure boating. Typical uses include chandleries, yacht brokerage and sales, boat yards, boat docks, and sail-making lofts. (3334-6/97, 3378-2/98)
- R. **RESERVED.**  
~~Medical Marijuana Dispensary or Dispensary.~~ Any facility or location where medical marijuana is made available to and/or distributed by or to three or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "medical marijuana dispensary" shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: (3703-3/05)
- ~~1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; (3703-3/05)~~
  - ~~2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; (3703-3/05)~~
  - ~~3. A residential care facility for persons with chronic life threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; (3703-3/05)~~
  - ~~4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; (3703-3/05)~~
  - ~~5. A residential hospice, or (3703-3/05)~~
  - ~~6. A home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with~~

- S. Nurseries. Establishments in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only. (3334-6/97, 3378-2/98)
- T. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, graphic design, interior design, real estate, insurance, investment, legal, veterinary, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations. (3334-6/97, 3378-2/98)
- U. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter 5.36 of the Municipal Code. (3334-6/97, 3378-2/98)
- V. Personal Enrichment Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, fitness studios, yoga or martial arts studios, and massage in conjunction with Personal Services business. (3334-6/97, 3378-2/98, 3669-12/04)
- W. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning businesses (excluding large-scale bulk cleaning plants), photo-copying, and self-service laundries. (3334-6/97, 3378-2/98)
- X. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electron research firms or pharmaceutical research laboratories, but excludes manufacturing, except of prototypes, or medical testing and analysis. (3334-6/97, 3378-2/98)
- Y. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, drug stores, clothing stores, and furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, electronic equipment, records, sporting goods, surfing boards and equipment, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation). (3334-6/97, 3378-2/98)
- Z. Secondhand Appliances and Clothing Sales. The retail sale of used appliances and clothing by secondhand dealers who are subject to Chapter 5.36. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances, but includes junk shops. (3334-6/97, 3378-2/98)

- AA. Sex Oriented Businesses. Establishments as regulated by Chapter 5.70; baths, sauna baths and massage establishments, as regulated by Chapter 5.24; and figure model studios as regulated by Chapter 5.60. (3378-2/98)
- BB. Swap Meets, Indoor/Flea Markets. An occasional, periodic or regularly scheduled market held within a building where groups of individual vendors offer goods for sale to the public. (3334-6/97)
- CC. Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 32 consecutive hours, conducted by a sponsor on a more than twice yearly basis. (3334-6/97)
- DD. Tattoo Establishment. Premises used for the business of marking or coloring the skin with tattoos as regulated by Chapter 8.70. (3334-6/97)
- EE. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies. (3334-6/97)
- FF. Vehicle/Equipment Sales and Services.
1. Automobile Rentals. Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts. (3334-6/97)
  2. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles. (3334-6/97)
  3. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee. (3334-6/97)
  4. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and minor repair of motor vehicles, but excluding body and fender work or major repair of automobiles, motorcycles, light and heavy trucks or other vehicles. (3334-6/97)
  5. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping. (3334-6/97)
    - a. Limited. Light repair and sale of goods and services for vehicles, including brakes, muffler, tire shops, oil and lube, and accessory uses, but excluding body and fender shops, upholstery, painting, and rebuilding or reconditioning of vehicles. (3334-6/97)
  6. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, manufactured homes, boats, and similar equipment, including storage and incidental maintenance. (3334-6/97)
  7. Vehicle Storage. The business of storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24 hour period, including, but not limited to, the storage of parking tow-aways, impound

yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but not including vehicle dismantling. (3334-6/97, 3757-1/07)

GG. Visitor Accommodations.

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling or a building of residential design, with incidental eating and drinking service for lodgers only provided from a single kitchen. (3334-6/97)
2. Hotels and Motels. Establishments offering lodging on a weekly or less than weekly basis. Motels may have kitchens in no more than 25 percent of guest units, and "suite" hotels may have kitchens in all units. This classification includes eating, drinking, and banquet service associated with the facility. (3334-6/97)

HH. Warehouse and Sales Outlets. Businesses which store large inventories of goods in industrial-style buildings where these goods are not produced on the site but are offered to the public for sale. (3334-6/97)

II. Quasi Residential

1. Residential Hotels. Buildings with 6 or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are intended for occupancy on a weekly or monthly basis. (3334-6/97)
2. Single Room Occupancy. Buildings designed as a residential hotel consisting of a cluster of guest units providing sleeping and living facilities in which sanitary facilities and cooking facilities are provided within each unit; tenancies are weekly or monthly. (3334-6/97)
3. Time-Share Facilities. A facility in which the purchaser receives the right in perpetuity, for life or for a term of years, to the recurrent exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis for a period of time that has been or will be allocated from the use or occupancy periods into which the plan has been divided. A time-share plan may be coupled with an estate in the real property or it may entail a license or contract and/or membership right of occupancy not coupled with an estate in the real property. (3334-6/97)

**204.12 Industrial Use Classifications**

A. Industry, Custom. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. (3334-6/97)

1. Small-scale. Includes mechanical equipment not exceeding 2 horsepower or a single kiln not exceeding 8 kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture. (3334-6/97)

B. Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or

outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, food processing and packaging, laundry and dry cleaning plants, auto dismantling within an enclosed building, stonework and concrete products manufacture (excluding concrete ready-mix plants), small animal production and processing within an enclosed building, and power generation. (3334-6/97)

- C. Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services, both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials and Vehicle/Equipment Services, but does allow food processing for human consumption. (3334-6/97)
- D. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the Director, by reason of production of offensive odor, dust, noise, vibration, or in the opinion of the Fire Chief by reason of storage of hazardous materials. Uses include aerospace and biotechnology firms, and non-toxic computer component manufacturers. (3334-6/97)

This classification also includes assembly, testing and repair of components, devices, equipment, systems, parts and components such as but not limited to the following: coils, tubes, semi-conductors; communication, navigation, guidance and control equipment; data processing equipment; filing and labeling machinery; glass edging and silvering equipment; graphics and art equipment; metering equipment; optical devices and equipment; photographic equipment; radar, infrared and ultraviolet equipment; radio and television equipment. (3334-6/97)

This classification also includes the manufacture of components, devices, equipment, parts and systems which includes assembly, fabricating, plating and processing, testing and repair, such as but not limited to the following: machine and metal fabricating shops, model and spray painting shops, environmental test, including vibration analysis, cryogenics, and related functions, plating and processing shops, nuclear and radioisotope. (3334-6/97)

This classification also includes research and development laboratories including biochemical and chemical development facilities for national welfare on land, sea, or air; and facilities for film and photography, metallurgy; pharmaceutical, and medical and x-ray research. (3334-6/97)

- E. Wholesaling, Distribution and Storage. Storage and distribution facilities without sales to the public on-site or direct public access except for recycling facilities and public storage in a small individual space exclusively and directly accessible to a specific tenant. This classification includes mini-warehouses. (3334-6/97)

## 204.14 Accessory Use Classifications

Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes detached or attached garages, home occupations, caretakers' units, and dormitory type housing for industrial commercial workers employed on the site, and accessory dwelling units. (3334-6/97)

**Temporary Use Classifications**

- A. Animal Shows. Exhibitions of domestic or large animals for a maximum of seven days. (3334-6/97)
- B. Festivals, Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility. (3334-6/97, 3521-2/02)
- C. Commercial Filming, Limited. Commercial motion picture or video photography at a specific location six or fewer days per quarter of a calendar year. (See also Chapter 5.54, Commercial Photography) (3334-6/97)
- D. Personal Property Sales. Sales of personal property by a resident ("garage sales") for a period not to exceed 48 consecutive hours and no more than once every six months. (3334-6/97)
- E. Real Estate Sales. An office for the marketing, sales, or rental of residential, commercial, or industrial development. This classification includes "model homes." (3334-6/97)
- F. Retail Sales, Outdoor. Retail sales of new merchandise on the site of a legally established retail business for a period not to exceed 96 consecutive hours (four days) no more than once every 3 months. (3334-6/97, 3669-12/04)
- G. Seasonal Sales. Retail sales of seasonal products, including Christmas trees, Halloween pumpkins and strawberries. (3334-6/97)
- H. Street Fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures. (3334-6/97)
- I. Trade Fairs. Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days per year. (3334-6/97)
- J. Temporary Event. Those temporary activities located within the coastal zone that do not qualify for an exemption pursuant to Section 245.08. (3334-6/97)
- K. Tent Event. Allows for the overflow of any assembly for a period not to exceed 72 consecutive hours and not more than once every 3 months. (3521-2/02, 3724-02/06)

**LEGISLATIVE DRAFT**

**Chapter 212 I Industrial Districts**

(3254-10/94, 3378-2/98, 3523-2/02, 3568-9/02, Emergency Ord. 3703-3/21/05, 3708-6/05, 3724-02/06)

**Sections:**

- 212.02 Industrial Districts Established
- 212.04 IG and IL Districts: Land Use Controls
- 212.06 IG and IL Districts: Development Standards
- 212.08 Review of Plans

**212.02 Industrial Districts Established** (3254-10/94)

Two (2) industrial zoning districts are established by this chapter as follows: (3254-10/94)

- A. The IG General Industrial District provides sites for the full range of manufacturing, industrial processing, resource and energy production, general service, and distribution. (3254-10/94)
- B. The IL Limited Industrial District provides sites for moderate- to low-intensity industrial uses, commercial services and light manufacturing. (3254-10/94)

**212.04 IG and IL Districts: Land Use Controls** (3254-10/94)

In the following schedules, letter designations are used as follows: (3254-10/94)

"P" designates use classifications permitted in the I districts. (3254-10/94)

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" which follow. (3254-10/94)

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission. (3254-10/94)

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator. (3254-10/94)

"TU" designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator. (3254-10/94)

"P/U" for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use. (3254-10/94)

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to requirements following the schedule or located elsewhere in this ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading. (3254-10/94)



**LEGISLATIVE DRAFT****IG AND IL  
DISTRICTS:  
LAND USE  
CONTROLS**

P - Permitted  
 L - Limited (see Additional Provisions)  
 PC - Conditional use permit approved by Planning Commission  
 ZA - Conditional use permit approved by Zoning Administrator  
 TU - Temporary Use Permit  
 P/U - Requires conditional use permit on site of conditional use  
 - - Not Permitted

	<b>IG</b>	<b>IL</b>	<b>Additional Provisions</b>
<b>Residential</b>			
Group Residential	PC	PC	(J)
<b>Public and Semipublic</b>			(A)(M)(3708-6/05, 3724-02/06)
Community and Human Service Facilities	PC	PC	(L) (3708-6/05, 3724-02/06)
Day Care, General	ZA	ZA	(3523-2/02)
Heliports	PC	PC	(O)
Maintenance & Service Facilities	ZA	ZA	(3708-6/05)
Public Safety Facilities	P	P	
Religious Assembly	ZA	ZA	(3724-02/06)
Schools, Public or Private	L-6	L-6	
Utilities, Major	PC	PC	
Utilities, Minor	L-7	L-7	(P)
<b>Commercial Uses</b>			(D)(M)
Ambulance Services	ZA	ZA	
Animal Sales and Services			
Animal Boarding	ZA	ZA	(3523-2/02)
Animal Hospitals	ZA	ZA	(3523-2/02)
Artists' Studios	P	P	
Banks and Savings and Loans	L-1	L-1	
Building Materials and Services	P	P	
Catering Services	-	P	
Commercial Filming	ZA	ZA	
Commercial Recreation and Entertainment	L-2	L-2	
Communication Facilities	L-12	L-12	(3568-9/02)
Eating & Drinking Establishments	L-3	L-3	
w/Live Entertainment	ZA	ZA	(S)(U) (3523-2/02)
Food & Beverage Sales	ZA	ZA	(3523-2/02)
Hospitals and Medical Clinics	-	PC	
Laboratories	P	P	
Maintenance & Repair Services	P	P	
Marine Sales and Services	P	P	
Medical Marijuana Dispensary	P	P	(L-13) (3703-3/05)
Nurseries	P	P	
Offices, Business & Professional	L-1	L-1	(H)

**LEGISLATIVE DRAFT**

<b>IG AND IL</b>	P - Permitted
<b>DISTRICTS:</b>	L - Limited (see Additional Provisions)
<b>LAND USE</b>	PC - Conditional use permit approved by Planning Commission
<b>CONTROLS</b>	ZA - Conditional use permit approved by Zoning Administrator
	TU - Temporary Use Permit
	P/U - Requires conditional use permit on site of conditional use
	- Not Permitted

	<b>IG</b>	<b>IL</b>	<b>Additional Provisions</b>	
Personal Enrichment	L-9	L-9	(U)	(3523-2/02)
Personal Services	L-1	L-1		
Quasi Residential	PC	PC	(K)	(3708-6/05)
Research & Development Services	P	P		
Sex Oriented Businesses	L-11	L-11		(3378-2/98)
(regulated by HBMC Chapter 5.70)				(3378-2/98)
Sex Oriented Businesses	PC	PC	(R)	(3378-2/98)
(regulated by HBMC Chapters 5.24 & 5.60)				(3378-2/98)
Swap Meets, Indoor/Flea Markets	PC	PC	(Q)	
Vehicle/Equipment Sales & Services				
Service Stations	L-4	L-4		
Vehicle/Equipment Repair	P	P		
Vehicle/Equip. Sales/Rentals	L-5	L-5		
Vehicle Storage	P	ZA	(I)	
Visitor Accommodations	ZA	ZA		(3708-6/05)
Warehouse and Sales Outlets	L-8	L-8		
<b>Industrial (See Chapter 204)</b>			(B)(M)(N)	
Industry, Custom	P	P		
Industry, General	P	P		
Industry, Limited	P	P		
Industry, R & D	P	P		
Wholesaling, Distribution & Storage	P	P		
<b>Accessory Uses</b>				
Accessory Uses and Structures	P/U	P/U	(C)	
<b>Temporary Uses</b>				
Commercial Filming, Limited	P	P	(T)	(3523-2/02)
Real Estate Sales	P	P		(3
		523-2/02, 3708-6/05)		
Trade Fairs	P	P	(E)	(3708-6/05)
<b>Nonconforming Uses</b>			(F)	

**LEGISLATIVE DRAFT**

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**IG AND IL Districts: Additional Provisions**

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- L-1 Only allowed upon approval of a conditional use permit by the Zoning Administrator for a mixed use project, subject to the following requirements: (3254-10/94, 3708-6/05)
- Minimum site area: 3 acres (3254-10/94)
- Maximum commercial space: 35 percent of the gross floor area and 50 percent of the ground floor area of buildings fronting on an arterial highway. (3254-10/94)
- Phased development: 25 percent of the initial phase must be designed for industrial occupancy. For projects over 500,000 square feet, the initial phase must include 5 percent of the total amount of industrial space or 50,000 square feet of industrial space, whichever is greater. (3254-10/94)
- L-2 Allowed upon approval of a conditional use permit by the Zoning Administrator when designed and oriented for principal use by employees of the surrounding industrial development or when designed for general public use, after considering vehicular access and parking requirements. (3254-10/94, 3708-6/05)
- L-3 Allowed upon approval of a conditional use permit by the Zoning Administrator when in a free-standing structure or as a secondary use in a building provided that no more than 20 percent of the floor area is occupied by such a use. (3254-10/94, 3523-2/02)
- L-4 Only stations offering services primarily oriented to businesses located in an I District are allowed with a conditional use permit by the Planning Commission. (3254-10/94)
- L-5 No new or used automobile, truck or motorcycle retail sales are permitted. (3254-10/94)
- L-6 Only schools offering higher education curriculums are allowed with conditional use permit approval by the Planning Commission. No day care, elementary or secondary schools are permitted. (3254-10/94)
- L-7 Recycling Operations as an accessory use are permitted; recycling operations as a primary use are allowed upon approval of a conditional use permit by the Zoning Administrator. (3254-10/94, 3708-6/05)
- L-8 Allowed upon conditional use permit approval by the Planning Commission when a single building with a minimum area of 100,000 square feet is proposed on a site fronting an arterial. The primary tenant shall occupy a minimum 95% of the floor area and the remaining 5% may be occupied by secondary tenants. (3254-10/94)
- L-9 Permitted if the space is 5,000 square feet or less; allowed by Neighborhood Notification pursuant to Chapter 241 if the space is over 5,000 square feet. (3254-10/94, 3523-2/02, 3708-6/05)
- L-10 RESERVED (3254-10/94, 3523-2/02, 3724-02/06)

**LEGISLATIVE DRAFT**

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**IG AND IL Districts: Additional Provisions** (continued)

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**L-11** Allowed subject to the following requirements: (3378-2/98)

- A. A proposed sex oriented business shall be at least five hundred feet (500') from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a "sensitive use") and at least seven hundred fifty feet (750') from another sex oriented business. For purposes of these requirements, all distances shall be measured from the lot line of the proposed sex oriented business to the lot line of the sensitive use or the other sex oriented business. The term "residential use" means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan. (3378-2/98)

To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the sex oriented business is proposed which includes all the proposed parking and:  
(3378-2/98)

1. the lot line of any other sex oriented business within seven hundred fifty feet (750') of the lot line of the proposed sex oriented business; and (3378-2/98)
  2. the lot line of any building used for religious assembly, school, or park and recreational facility within five hundred (500') feet of the lot line of the proposed sex oriented business; and (3378-2/98)
  3. the lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within five hundred feet (500') of the lot line of the proposed sex oriented business. (3378-2/98)
- B. The front facade of the building, including the entrance and signage, shall not be visible from any major, primary or secondary arterial street as designated by the Circulation Element of the General Plan adopted May, 1996, with the exception of Argosy Drive.  
(3378-2/98)
- C. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Planning Department Staff Review of a sex oriented business zoning permit with the drawing described in subsection A, a technical site plan, floor plans and building elevations, and application fee. Within ten (10) days of submittal, the Director shall determine if the application is complete. If the application is deemed incomplete, the applicant may resubmit a completed application within ten (10) days. Within thirty days of receipt of a completed application, the Director shall determine if the application complies with the applicable development and performance standards of the

**LEGISLATIVE DRAFT**

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**IG AND IL Districts: Additional Provisions** (continued)

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Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following: (3378-2/98)

1. Chapter 203, Definitions; Chapter 212, Industrial Districts; Chapter 230, Site Standards; Chapter 231, Off-Street Parking & Loading Provisions; Chapter 232, Landscape Improvements; and Chapter 236, Nonconforming Uses and Structures. (3378-2/98)
2. Chapter 233.08(b), Signs. Signage shall conform to the standards of the Huntington Beach Zoning and Subdivision Ordinance Code except
  - a. that such signs shall contain no suggestive or graphic language, photographs, silhouettes, drawings, statues, monuments, sign shapes or sign projections, or other graphic representations, whether clothed or unclothed, including without limitation representations that depict "specified anatomical areas" or "specified sexual activities"; and (3378-2/98)
  - b. only the smallest of the signs permitted under Chapter 233.08(b) shall be visible from any major, primary or secondary arterial street, such streets shall be those designated in the Circulation Element of the General Plan adopted May, 1996, with the exception of Argosy Drive.
3. Compliance with Huntington Beach Municipal Code Chapter 5.70. (3378-2/98)
- D. The Director shall grant or deny the application for a sex oriented business zoning permit for a sex oriented business. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review. (3378-2/98)
- E. Ten (10) working days prior to submittal of an application for a sex oriented business zoning permit for Staff Review, the applicant shall: (i) cause notice of the application to be printed in a newspaper of general circulation; and (ii) give mailed notice of the application to property owners within one thousand (1000') feet of the proposed location of the sex oriented business; and the City of Huntington Beach, Department of Community Development by first class mail. (3378-2/98)

The notice of application shall include the following: (3378-2/98)

1. Name of applicant; (3378-2/98)
2. Location of proposed sex oriented business, including street address (if known) and/or lot and tract number; (3378-2/98)
3. Nature of the sex oriented business, including maximum height and square footage of the proposed development; (3378-2/98)

**LEGISLATIVE DRAFT**

4. The City Hall telephone number for the Department of Community Development to call for viewing plans; (3378-2/98)

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**IG AND IL Districts: Additional Provisions (continued)**

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5. The date by which any comments must be received in writing by the Department of Community Development. This date shall be ten (10) working days from staff review submittal; and (3378-2/98)
6. The address of the Department of Community Development. (3378-2/98)
- F. A sex oriented business may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233. (3378-2/98)
- G. A sex oriented business zoning permit shall become null and void one year after its date of approval unless: (3378-2/98)
  1. Construction has commenced or a Certificate of Occupancy has been issued, whichever comes first; or (3378-2/98)
  2. The use is established. (3378-2/98)
- H. The validity of a sex oriented business zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the Director of the transfer. (3378-2/98)
- I. A sex oriented business zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months. (3378-2/98)
- L-12 For wireless communication facilities see section 230.96 Wireless Communication Facilities. All other communication facilities permitted. (3568-9/02)
- (A) Repealed. (3254-10/94, 3708-6/05)
- (B) A conditional use permit from the Zoning Administrator is required for any new use or enlargement of an existing use, or exterior alterations and additions for an existing use located within 150 feet of an R district. The Director may waive this requirement if there is no substantial change in the character of the use which would affect adjacent residential property in an R District. (3254-10/94)
- (C) Accessory office uses incidental to a primary industrial use are limited to 10 percent of the floor area of the primary industrial use. (3254-10/94)
- (D) Adjunct office and commercial space, not to exceed 25 percent of the floor area of the primary industrial use, is allowed with a conditional use permit from the Zoning Administrator, provided that it is intended primarily to serve employees of the industrial use, no exterior signs advertise the adjunct use, the adjunct use is physically separated from the primary industrial use, any retail sales are limited to goods manufactured on-site, and the primary industrial fronts on an arterial. (3254-10/94)

**LEGISLATIVE DRAFT**

- (E) See Section 241.22: Temporary Use Permits. (3254-10/94)
- (F) See Chapter 236: Nonconforming Uses and Structures. (3254-10/94)

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**IG AND IL Districts: Additional Provisions (continued)**

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- (H) Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any I District. (3254-10/94)  
  
Administrative, management, regional or headquarters offices for any permitted industrial use, which are not intended to serve the public, require a conditional use permit from the Zoning Administrator to occupy more than 10 percent of the total amount of space on the site of the industrial use. (3254-10/94)
- (I) Automobile dismantling, storage and/or impound yards may be permitted subject to the approval of a conditional use permit by the Planning Commission and the following criteria: (3254-10/94)
  - (a) The site shall not be located within 660 feet of an R district. (3254-10/94)
  - (b) All special metal cutting and compacting equipment shall be completely screened from view. (3254-10/94)
  - (c) Storage yards shall be enclosed by a solid 6-inch concrete block or masonry wall not less than 6 feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained. (3254-10/94)
  - (d) Items stacked in the storage yard shall not exceed the height of the screening walls or be visible from adjacent public streets. (3254-10/94)
- (J) Limited to facilities serving workers employed on-site. (3254-10/94)
- (K) Limited to: Single Room Occupancy uses (See Section 230.46). (3254-10/94, 3708-6/05)
- (L) Limited to Emergency Shelters. (3254-10/94)
- (M) Development of vacant land and/or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic). (3254-10/94, 3523-2/02)
- (N) Major outdoor operations require conditional use permit approval by the Planning Commission. Major outside operations include storage yards and uses utilizing more than 1/3 of the site for outdoor operation. (3254-10/94)
- (O) See Section 230.40: Helicopter Takeoff and Landing Areas. (3254-10/94)

**LEGISLATIVE DRAFT**

- (P) See Section 230.44: Recycling Operations. (3254-10/94)
- (Q) See Section 230.50: Indoor Swap Meets/Flea Markets (3254-10/94)
- (R) See L-11(A) relating to locational restrictions. (3254-10/94, 3378-2/98)

**IG AND IL Districts: Additional Provisions (continued)**

- (S) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. (3523-2/02)
- (T) Subject to approval by the Police Department, Public Works Department, and Fire Department and the Planning Director. (3523-2/02)
- (U) Neighborhood notification requirements when no entitlement required pursuant to Chapter 241. (3523-2/02, 3708-6/05)

~~L-13 Allowed subject to the following requirements: (3703-3/21/05)~~

- ~~A. A proposed medical marijuana dispensary shall be at least five hundred feet (500') from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a "sensitive use") and at least seven hundred fifty feet (750') from another medical marijuana dispensary. For purposes of these requirements, all distances shall be measured from the lot line of the proposed medical marijuana dispensary to the lot line of the sensitive use or the other medical marijuana dispensary. The term "residential use" means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan. (3703-3/21/05)~~

~~To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the medical marijuana dispensary is proposed which includes all the proposed parking and: (3703-3/21/05)~~

- ~~1. the lot line of any other medical marijuana dispensary within seven hundred fifty feet (750') of the lot line of the medical marijuana dispensary; and (3703-3/21/05)~~
- ~~2. the lot line of any building used for religious assembly, school, or park and recreational facility within five hundred (500') feet of the lot line of the medical marijuana dispensary; and (3703-3/21/05)~~
- ~~3. the lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within five hundred feet (500') of the lot line of the proposed medical marijuana dispensary. (3703-3/21/05)~~

- ~~B. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Planning Department Staff Review of a medical marijuana dispensary zoning permit with the drawing described in subsection A, a~~



**LEGISLATIVE DRAFT**

technical site plan, floor plans and building elevations, and application fee. Within ten (10) days of submittal, the Director shall determine if the application is complete. If the application is deemed incomplete, the applicant may resubmit a completed application within ten (10) days. Within thirty days of receipt of a completed application, the Director shall determine if the application complies with the applicable development and performance standards of the Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following: Chapter 203, Definitions; Chapter 212, Industrial Districts; Chapter 230, Site Standards; Chapter 231, Off Street Parking & Loading Provisions; Chapter 232, Landscape Improvements; and Chapter 236, Nonconforming Uses and Structures. (3703-3/21/05)

- C. ~~The Director shall grant or deny the application for a medical marijuana dispensary zoning permit for a medical marijuana dispensary. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review.~~ (3703-3/21/05)
- D. ~~A medical marijuana dispensary may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233.~~ (3703-3/21/05)
- E. ~~A medical marijuana dispensary zoning permit shall become null and void one year after its date of approval unless:~~ (3703-3/21/05)
1. ~~Construction has commenced or a Certificate of Occupancy has been issued, whichever comes first; or~~ (3703-3/21/05)
  2. ~~The use is established.~~ (3703-3/21/05)
- F. ~~The validity of a medical marijuana dispensary zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the Director of the transfer.~~ (3703-3/21/05)
- G. ~~A medical marijuana dispensary zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months.~~ (3703-3/21/05)

## 212.06 IG AND IL Districts: Development Standards

The following schedule prescribes development standards for the I Districts. The first two columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Requirements" column reference requirements following the schedule or located elsewhere in this ordinance. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions. (3254-10/94)

	IG	IL	Additional Requirements
<b>Residential Development</b>			(M)
<b>Nonresidential Development</b>			
Minimum Lot Area (sq. ft.)	20,000	20,000	(A)(B) (3708-06/05)

**LEGISLATIVE DRAFT**

Minimum Lot Width (ft.)	100	100	(A)(B)
Minimum Setbacks			(A)(C)
Front (ft.)	10;20	10;20	(D)
Side (ft.)	0	15	(E)(F) (3708-06/05)
Street Side (ft.)	10	10	
Rear (ft.)	0	0	(E) (3708-06/05)
Maximum Height of Structures (ft.)	40	40	(G)
Maximum Floor Area Ratio (FAR)	0.75	0.75	
Minimum Site Landscaping (%)	8	8	(H)(I)

	IG	IL	Additional Requirements
Fences and Walls	See Section 230.88		
Off-Street Parking and Loading	See Chapter 231		(J)
Outdoor Facilities	See Section 230.74		
Screening of Mechanical Equipment	See Section 230.76		(K)
Refuse Storage Area	See Section 230.78		
Underground Utilities	See Chapter 17.64		
Performance Standards	See Section 230.82		(L)
Nonconforming Uses and Structures	See Chapter 236		
Signs	See Chapter 233		

**IG AND IL Districts: Additional Development Standards**

- (A) See Section 230.62: Building Site Required and Section 230.64: Development on Substandard Lots. (3254-10/94)
- (B) Smaller lot dimensions for new parcels may be permitted by the Zoning Administrator with an approved development plan and tentative subdivision map. (3254-10/94)
- (C) See Section 230.68: Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage. (3254-10/94)
- (D) The minimum front setback shall 10 feet and the average setback 20 feet, except for parcels fronting on local streets where only a 10 foot setback is required. (3254-10/94)

All I Districts: An additional setback is required for buildings exceeding 25 feet in height (1 foot for each foot of height) and for buildings exceeding 150 feet in length (1 foot for each 10 feet of building length) up to a maximum setback of 30 feet. (3254-10/94)

- (E) In all I districts, a 15-foot setback is required abutting an R district and no openings in buildings within 45 feet of an R district. (3254-10/94)
- (F) A zero-side yard setback may be permitted in the I districts, but not abutting an R district, provided that a solid wall at the property line is constructed of maintenance-free masonry material and the opposite side yard is a minimum of 30 feet. (3254-10/94)

Exception. The Zoning Administrator or Planning Commission may approve a conditional use permit to allow a 15-foot interior side yards opposite a zero-side yard on one lot, if an abutting

**LEGISLATIVE DRAFT**

side yard at least 15 feet wide is provided and access easements are recorded ensuring a minimum 30-foot separation between buildings. This 30-foot accessway must be maintained free of obstructions and open to the sky, and no opening for truck loading or unloading shall be permitted in the building face fronting on the accessway unless a 45-foot long striped areas is provided solely for loading and unloading entirely within the building. (3254-10/94)

- (G) See Section 230.70: Measurement of Height. Within 45 feet of an R district, no building or structure shall exceed a height of 18 feet. (3254-10/94)

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**IG AND IL Districts: Additional Development Standards (continued)**


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- (H) Planting Areas. Required front and street-side yards adjacent to a public right-of-way shall be planting areas except for necessary drives and walks. A 6-foot wide planting area shall be provided adjacent to an R district and contain one tree for each 25 lineal feet of planting area. (3254-10/94)
- (I) See Chapter 232: Landscape Improvements. (3254-10/94)
- (J) Truck or rail loading, dock facilities, and the doors for such facilities shall not be visible from or be located within 45 feet of an R district. (3254-10/94)
- (K) See Section 230.80: Antennae. (3254-10/94)
- (L) Noise. No new use shall be permitted, or exterior alterations and/or additions to an existing use allowed, within 150 feet of an R district until a report prepared by a California state-licensed acoustical engineer is approved by the Director. This report shall include recommended noise mitigation measures for the industrial use to ensure that noise levels will conform with Chapter 8.40 of the Municipal Code. The Director may waive this requirement for change of use or addition or exterior alteration to an existing use if it can be established that there had been no previous noise offense, that no outside activities will take place, or if adequate noise mitigation measures for the development are provided. (3254-10/94)
- (M) Group residential or accessory residential uses shall be subject to standards for minimum setbacks and height of the RH District. (3254-10/94)

**212.08 Review of Plans**

All applications for new construction and exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows: (3254-10/94, 3708-6/05)

- A. Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects including a zero-side yard exception; projects on substandard lots. (3254-10/94)
- B. Design Review Board. Projects within redevelopment project areas and areas within 500 feet of a PS district; see Chapter 244. (3254-10/94)
- C. Planning Commission. Projects requiring a conditional use permit from the Commission. (3254-10/94)

**LEGISLATIVE DRAFT**

- D. Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245. (3254-10/94)



City of Huntington Beach Planning Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning  
**BY:** Ron Santos, Associate Planner *RS*  
**DATE:** July 24, 2007

**SUBJECT: CONDITIONAL USE PERMIT NO. 07-017 (SHARKEEZ DANCING)(Continued from the July 10, 2007 Meeting with Public Hearing to be Opened)**

**APPLICANT:** Michael C. Adams Associates, 21190 Beach Blvd., Huntington Beach, CA 92648

**PROPERTY**

**OWNER:** Richard Harlow, 211-B Main St., Huntington Beach, CA 92648

**LOCATION:** 211 Main St., 92648 (northwest side of Main St., between Olive Ave. and Walnut Ave.)

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**STATEMENT OF ISSUE:**

- ♦ Conditional Use Permit No. 07-017 request:
  - To permit dancing (80 sq. ft. dance floor), in conjunction with previously approved entertainment, within an existing 2,625 sq. ft. eating and drinking establishment.
- ♦ Continued Item:
  - At the Planning Commission meeting of July 10, 2007, the applicant requested and was granted a continuance to the July 24, 2007 Planning Commission meeting in order to provide an opportunity to review information from the Police Department and address issues raised by the Planning Commission.
- ♦ Staff's Recommendation:

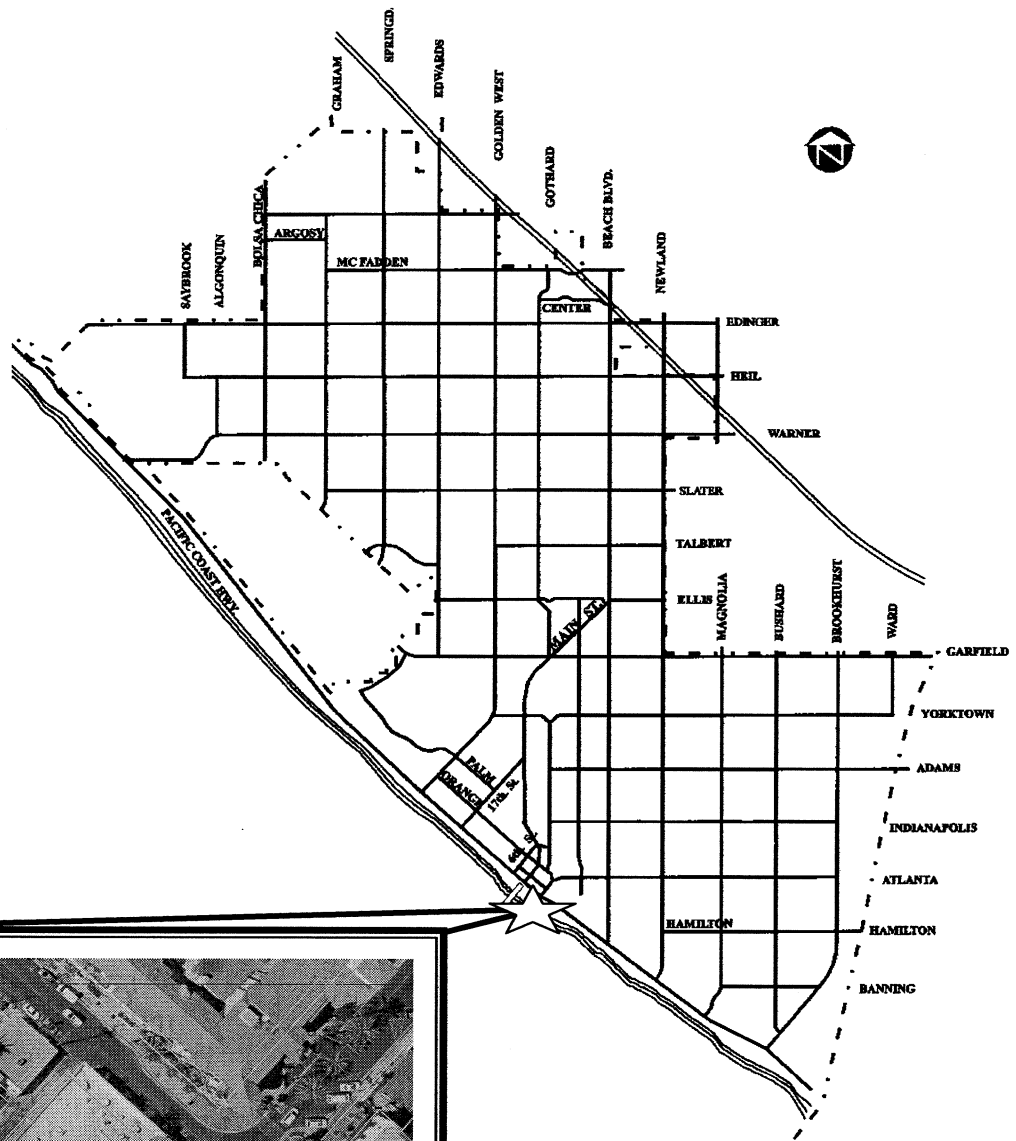
Deny Conditional Use Permit No. 07-017 based upon the following:

  - Further intensification of existing use will be detrimental to public welfare.
  - Use of outdoor dining area within the public right-of-way for customer queuing is inconsistent with intended use of space.
  - Establishment has history of excessive number of incidents involving the Police Department.
  - City has recent negative experiences with establishments allowing dancing within the Downtown
  - Narrow configuration of establishment is not conducive to dancing.

**RECOMMENDATION:**

Motion to:

“Deny Conditional Use Permit No. 07-017 with suggested findings for denial (Attachment No. 1).”



**SHARKEEZ**



**VICINITY MAP**  
**CONDITIONAL USE PERMIT NO. 07-017**  
**(SHARKEEZ DANCING – 211 MAIN ST.)**

### **ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Approve Conditional Use Permit No. 07-017 with findings and conditions of approval.”
- B. “Continue Conditional Use Permit No. 07-017 and direct staff accordingly.”

### **PROJECT PROPOSAL:**

Conditional Use Permit No. 07-017 represents a request to permit dancing (80 sq. ft. dance floor), in conjunction with previously approved entertainment, within an existing 2,625 sq. ft. eating and drinking establishment, pursuant to the Downtown Specific Plan, Section 4.7.01(b) – District #5: Mixed-Use; Commercial/Office/Residential, Permitted Uses.

The establishment’s hours (proposed and existing) are as follows:

- **Dancing:**                **10:00 p.m. to 1:30 a.m. daily (proposed)**
- **Operating:**            11:00 a.m. to 2:00 a.m. Mon. – Fri.; 9:00 a.m. to 2:00 a.m. Sat. and Sun. (typical)
- **Entertainment:**      6:00 p.m. to 1:30 a.m. daily (per previously approved Entertainment Permit)
- **Outdoor Dining:**    6:30 a.m. to 12:00 a.m. daily (per previously approved Conditional Use Permit)

The applicant proposes to restrict use of the establishment’s previously approved outdoor dining area within the public right-of-way (between the street and the public sidewalk) when dancing occurs in order to offset the requirement for one additional parking space; and to use the outdoor dining area for patron queuing when the establishment is operating at full capacity. The applicant has indicated that the proposed dancing will complement the previously approved entertainment and that use of the outdoor dining area for queuing will address concerns raised by the Police Department regarding obstructed access along the public sidewalk (Attachment No. 5).

### **ISSUES:**

#### **Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	MV-F6/25-sp-pd (Mixed Use Vertical- 2.0 max. floor area ratio/ max. 25 dwelling units/acre – Specific Plan Overlay - Pedestrian Overlay)	SP5-CZ (Downtown Specific Plan – District 5: Mixed Use – Coastal Zone)	Eating and Drinking Establishment
North, South, East (across Main St.) and West of Subject Property:	MV-F6/25-sp-pd	SP5-CZ	Eating and Drinking Establishments, Offices, Retail, Parking Structure

**General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is Mixed Use Vertical. The proposed project is inconsistent with this designation and the goals and objectives of the City's General Plan as follows:

**Land Use Element (Pedestrian Zone Overlay)**

*Policy 15.2.1:* Preclude the development of uses that are characterized by low levels of patronage or conflict with pedestrian activity along the primary sidewalk and street frontages.

*Policy 15.2.2(c):* Assure that areas between the building storefronts and public sidewalks are visually and physically accessible to pedestrians, except as may be required for landscape and security.

*Objective 15.5:* Ensure that development achieves the visual and physical character intended for the district in which it is located.

The existing business regularly experiences crowded conditions such that the public right-of-way is impacted by patron queuing. Further intensification of the use will exacerbate impacts to the public right-of-way. In addition, patron queuing in the outdoor dining area and the public right-of-way detracts from the pedestrian experience and the Main Street ambience.

**Zoning Compliance:**

**Land Use**

This project is located in the SP5-CZ (Downtown Specific Plan – District 5: Mixed Use – Coastal Zone) Zone. Dancing is a permitted use in the zone, subject to approval of a Conditional Use Permit. A list of City Code Requirements and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 4) for informational purposes only.

**Parking**

The proposed dance floor requires one additional parking space, based on the Huntington Beach Zoning & Subdivision Ordinance (HBZSO) standard of one parking space per 50 sq. ft. of floor area designated for dancing. The one parking space requirement represents a net increase over the one to 100 sq. ft. standard applied to the existing restaurant floor area. The applicant is proposing to address the requirement for one additional parking space by restricting use of the outdoor dining (325 sq. ft.) within the public right-of-way when dancing occurs, thereby offsetting the requirement for parking generated by the proposed dance floor. The outdoor dining area was previously fully parked at a ratio of one to 100 sq. ft. via payment of in-lieu fees. The project would meet parking requirements provided use of the outdoor dining area is accordingly restricted.

**Urban Design Guidelines Conformance:** Not applicable.

**Environmental Status:**

The proposed project is Categorically Exempt pursuant to Section 15301, Class 1 of the California Environmental Quality Act, which states that the operation of existing facilities and structures involving negligible additions and expansion of use are exempt from further environmental review.



**Coastal Status:**

The proposed project is within a non-appealable portion of the Coastal Zone. It is exempt pursuant to Section 245.08 of the Zoning and Subdivision Ordinance.

**Redevelopment Status:**

The project is located in the Huntington Beach Redevelopment Project, Main-Pier subarea. The Economic Development Department has reviewed the request and does not support it based on concerns regarding the proposed use of the outdoor dining area for queuing of persons waiting to enter the establishment. Economic Development staff believes that the outdoor dining area is not intended for customer queuing and should be reserved for dining purposes only. In addition, Economic Development has advised that a consultant has been hired to analyze the number of establishments providing alcohol service and dancing (as part of the update of the Downtown Specific Plan) and that the request can not be supported pending completion of the analysis.

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The Departments of Building & Safety, Fire, Police and Public Works have reviewed the application and identified applicable code requirements (Attachment No. 4).

The Police Department recommends denial of the request for dancing due to concerns regarding the frequently crowded conditions inside the establishment, the associated customer queues in the public right-of-way, a prior history of Police Department contacts at the establishment and recent negative experiences with other businesses in the Downtown which were previously approved for dancing. In addition, the Police Department believes that the narrow width of the establishment (25 ft.) is not conducive to dancing.

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on June 28, 2007, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. As of July 17, 2007, no communication supporting or opposing the request has been received.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

June 4, 2007

**MANDATORY PROCESSING DATE(S):**

Aug. 3, 2007

## **ANALYSIS:**

Staff is recommending denial of the request based on concerns regarding the intensity of the use and the proposal to use the outdoor dining area for patron queuing. In addition, the past history of Police Department involved incidents at the establishment and the City's recent negative experience with other establishments approved for dancing do not support approval of the request. A memorandum from the Police Department (Attachment No. 5) indicates that there were 289 calls for service and 96 police reports filed related to the business since Sharkeez opened in March 2005. In addition, Police Department logs indicate that there were 27 occasions when Sharkeez was observed violating their ABC License, Entertainment Permit, the Huntington Beach Municipal Code or the Business and Professions Code.

In addition, there is concern that the Downtown area may have an over-concentration of nightclub-type establishments and approval of the request may be imprudent at this time, pending completion of a study by the Economic Development Department. The study, which may require 18 to 24 months to complete, will analyze the mix of uses within the Downtown and make recommendations to provide for consistency with the Strategic Plan goal of transitioning the City to a destination economy.

The Police Department has advised that Sharkeez regularly experiences crowded conditions, and as a result, patrons are often waiting in line to enter the premises, in the public right-of-way. This queuing outside the premises tends to impede the flow of pedestrian traffic along the public sidewalk. Moreover, the current crowded conditions are indicative that a further intensification of the use, represented by the request to allow dancing, is not justifiable. Although the applicant's proposal to use the outdoor dining area for patron queuing may help to improve pedestrian traffic flow, staff does not believe that this proposal is consistent with the intended use of the outdoor dining area. On the contrary, patron queuing in the outdoor dining area may detract from the pedestrian experience and the Main Street ambience.

In addition, staff believes that the restaurant space, which measures 25 feet in width, may be too narrow to accommodate dancing. The proposed 80 sq. ft. dance floor may be impractically small for the intended use. Consequently, it may be difficult to ensure that dancing does not spill out beyond the designated area, into the required egress pathway which must remain unobstructed pursuant to applicable building and fire codes. Moreover, it would be difficult for City inspectors to regularly monitor the dancing to ensure public safety. Only two (Perqs and Killarney's) of the eight establishments authorized to have dancing have widths comparable to Sharkeez.

## **ATTACHMENTS:**

1. Suggested Findings for Denial – Conditional Use Permit No. 07-017
2. Site Plan and Floor Plan dated June 11, 2007
3. Project Narrative received and dated May 30, 2007
4. Code Requirements List dated June 14, 2007 for informational purposes only.
5. Police Department memorandum received and dated July 16, 2007 (available at the Planning Department)
6. Economic Development memorandum received and dated June 14, 2007.

SH:HF:RR:RS:sh

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS FOR DENIAL**

#### **CONDITIONAL USE PERMIT NO. 07-017**

#### **SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 of the CEQA Guidelines, which states that the operation of existing facilities and structures involving negligible additions and expansion of use is exempt from further environmental review.

#### **SUGGESTED FINDINGS FOR DENIAL - CONDITIONAL USE PERMIT NO. 07-017:**

1. Conditional Use Permit No. 07-017 to permit dancing (80 sq. ft. dance floor), in conjunction with previously approved entertainment, within an existing 2,625 sq. ft. eating and drinking establishment will be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The existing business regularly experiences crowded conditions such that the public right-of-way is impacted by patron queuing. Further intensification of the use will exacerbate impacts to the public right-of-way and consequently will be detrimental to the public welfare. In addition, the establishment has a history of police involved incidents and recent experience in the Downtown area indicates that the addition of dancing commonly results in an increase in Police Department contacts. Moreover, the narrow width of the establishment is not conducive to dancing since the proposed dance floor will be impractically small, such that the dancing may have the propensity to encroach into required exiting corridors.
2. The granting of the conditional use permit will adversely affect the General Plan. It is inconsistent with the the following goals and policies of the General Plan:

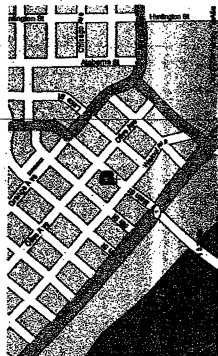
##### **Land Use Element (Pedestrian Zone Overlay)**

**Policy 15.2.1:** Preclude the development of uses that are characterized by low levels of patronage or conflict with pedestrian activity along the primary sidewalk and street frontages.

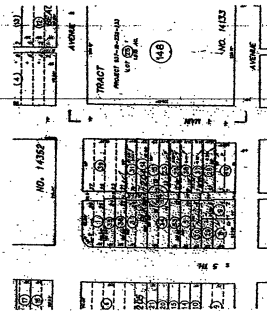
**Policy 15.2.2(c):** Assure that areas between the building storefronts and public sidewalks are visually and physically accessible to pedestrians, except as may be required for landscape and security.

**Objective 15.5:** Ensure that development achieves the visual and physical character intended for the district in which it is located.

The existing business regularly experiences crowded conditions such that the public right-of-way is impacted by patron queuing. Further intensification of the use will exacerbate impacts to the public right-of-way. In addition, patron queuing in the outdoor dining area and the public right-of-way detracts from the pedestrian experience and the Main Street ambience.

211 Main St., Huntington Beach, CA  
 714/835-1111

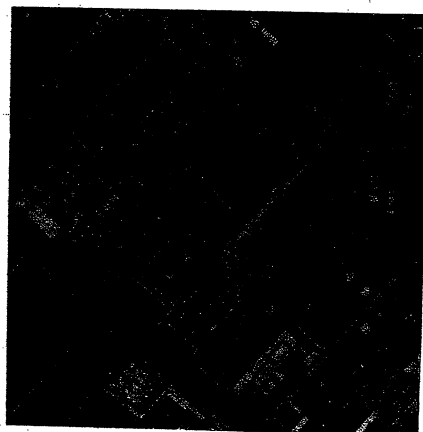
### VICINITY MAP



APN 024-147-25



**AERIAL PHOTO**



ZONING CONFORMANCE MATRIX  
SHARKEEZ DANCING  
211 MAIN STREET

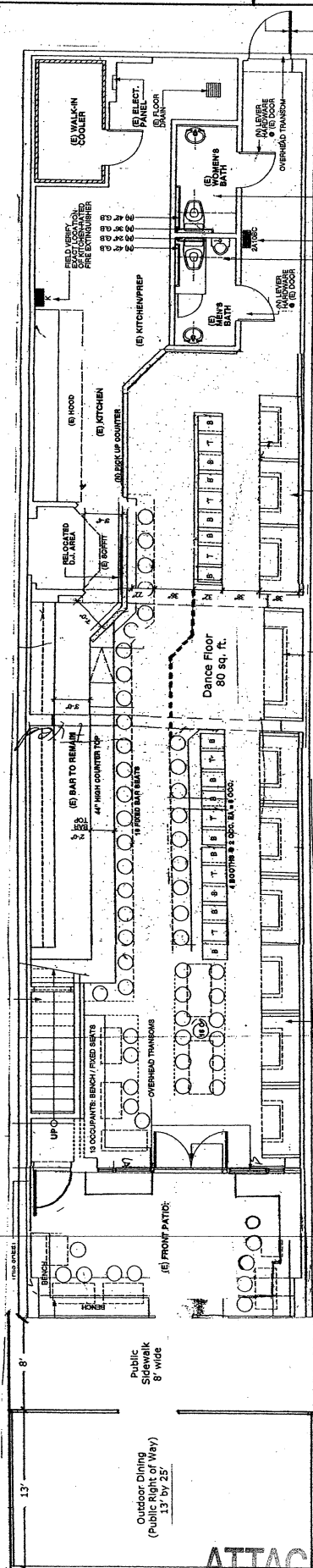
[illegible]

Plans drawn by: MICHAEL C. ADAMS ASSOCIATES  
P.O. BOX 382  
HUNTINGTON BEACH CA 92648  
phone (714) 374-5678 fax (714) 374-2211

SHARKEEZ DANCING  
211 MAIN ST.  
HUNTINGTON BEACH CA 92648

RICHARD HARLOW - PROP. OWNER  
211 B MAIN ST.  
HUNTINGTON BEACH CA 92648

Ex. 05.30-07



FLOOR PLAN

Scale  $\frac{1}{4}'' = 1'$

## REVISED NARRATIVE

### LOCATION:

211 Main Street (Baja Sharkeez Sports Grill)  
Downtown Huntington Beach

### REQUEST:

To permit dancing in conjunction with previously approved entertainment within an existing 2,625 sq. ft. restaurant (Sharkeez). The dance floor will occupy approximately 80 sq. ft. within the existing dining room. The dancing use will compliment the previously approved entertainment.

### ZONING AND GENERAL PLAN:

The property is zoned Downtown Specific Plan, District No. 5; General Plan designation of Mixed Use.

### PROJECT DESCRIPTION:

Site Area: 2,875 sq. ft.

Building Area: 3,624 sq. ft.

- Restaurant – 2,325 sq. ft.
- Office – 999 sq. ft.
- Private covered patio – 300 sq. ft.
- Outdoor dining (on public right of way) – 400 sq. ft.

The restaurant employs approximately 30 people who work in multiple shifts throughout the day

Hours of operation: Mon – Fri 11AM – 2AM  
Sat, Sun 9AM – 2AM

Hours of entertainment: 6:00PM – 1:30AM daily

### SURROUNDING USES:

North – Sugar Shack Cafe

East – Retail/Parking Structure (across Main St.)

West – Luggiatti's Italian Grill/Public Plaza (across alley)

South – Killarney Pub & Grill

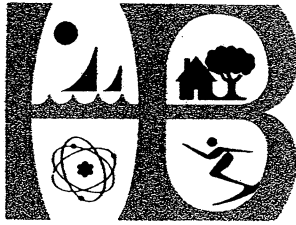
### PARKING:

The use of 80 sq. ft. (approx. 6-7' wide by 12') of the dining room for a dance floor will require one additional parking space. The parking requirement will be addressed by restricting the use of a portion of the outdoor dining area on the public right of way when dancing occurs. In order to address concerns raised by the Police Department, the outdoor dining area may be used for queuing lines in order to maintain unobstructed access on the public sidewalk.

May 30, 2007

RECEIVED MAY 30 2007

ATTACHMENT NO. 3



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

Phone 536-5271  
Fax 374-1540

June 14, 2007

Michael C. Adams Associates  
21190 Beach Boulevard  
Huntington Beach, CA 92646

**SUBJECT: CONDITIONAL USE PERMIT NO. 2007-017 (SHARKEEZ DANCING)  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Mr. Adams,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or site conditions change, the list may also change.

The attached project implementation code requirements may be appealed to the Planning Commission as a matter separate from the associated entitlement(s) within ten calendar days of the approval of the project pursuant to the Huntington Beach Zoning and Subdivision Ordinance Section 248.24. The appeal fee is \$494.00.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-536-5561 or at [rsantos@surfcity.hb.org](mailto:rsantos@surfcity.hb.org) and/or the respective source department (contact person below).

Sincerely,

RON SANTOS  
Associate Planner

Enclosure

cc: Gerald Caraig, Building and Safety Department – 714-374-1575  
Lee Caldwell, Fire Department – 714-536-5531  
Steve Bogart, Public Works – 714-536-1692  
Herb Fauland, Principal Planner

Richard Harlow  
211-B Main Street  
Huntington Beach, CA 92648

Wayne Carvalho  
349 Elmhurst Place  
Fullerton CA 92835



**PLANNING DEPARTMENT  
CITY OF HUNTINGTON BEACH  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** JUNE 14, 2007  
**PROJECT NAME:** SHARKEEZ DANCING  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 07-017  
**PROJECT LOCATION:** 211 MAIN STREET, HUNTINGTON BEACH  
**PLAN REVIEWER:** RON SANTOS, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** (714) 536-5271/ rsantos@surfcity-hb.org  
**PROJECT DESCRIPTION:** TO PERMIT DANCING (80 SQ. FT. DANCE FLOOR), IN CONJUNCTION WITH PREVIOUSLY APPROVED ENTERTAINMENT, WITHIN AN EXISTING 2,625 SQ. FT. EATING AND DRINKING ESTABLISHMENT.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated June 11, 2007. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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**CONDITIONAL USE PERMIT NO. 07-017:**


1. The site plan and floor plan approved by the Planning Commission shall be the conceptually approved design.
2. Prior to commencing dancing, the following shall be completed:
  - a. The applicant shall file an application to amend the restaurant's entertainment permit in order to allow dancing, consistent with Conditional Use Permit No. 07-017. A copy of an amended Entertainment Permit, approved by the Police Department and issued by the Business License Department, shall be submitted to the Planning Department. All conditions of the Entertainment Permit shall be observed.
  - b. A new Certificate of Occupancy application shall be approved by the Department of Planning and issued by the Department of Building & Safety. A detailed, fully-dimensioned floor plan, consistent with the floor plan approved in conjunction with Conditional Use Permit No. 07-017, shall be submitted with the Certificate of Occupancy application.
  - c. Any increase in occupancy loading shall require separate review and approval by the Fire Department. **(FD)**



3. The use shall comply with the following:
    - a. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
    - b. Prior to commencing live entertainment activities, a copy of an approved Entertainment Permit, approved by the Police Department and issued by the Business License Department, shall be submitted to the Planning Department. All conditions of the Entertainment Permit shall be observed.
    - c. All required paths of egress shall be maintained clear during times of live entertainment and dancing. (FD)
  4. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
  5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
  6. Conditional Use Permit No. 07-017 shall not become effective until the ten calendar day appeal period from the Planning Commission approval of the entitlements has elapsed.
  7. Conditional Use Permit No. 07-017 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
  8. The Planning Commission reserves the right to revoke Conditional Use Permit No. 07-017 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
  9. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
- 
10. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's approval of entitlements.



City of Huntington Beach Planning Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning  
**BY:** Rami Talleh, Associate Planner   
**DATE:** July 24, 2007

**SUBJECT: CONDITIONAL USE PERMIT NO. 07-021 (RA SUSHI)**

**APPLICANT:** Valentina Allen, Kerr Project Services, 4655 Cass Street, Suite 200, San Diego, CA 92109  
**PROPERTY**

**OWNER:** CIM/Huntington, LLC, 6922 Hollywood Blvd., Los Angeles, CA 90028

**LOCATION:** 155 5th Street, Unit 183, 92648 (North Side of Pacific Coast Highway between 5th St. and 6th St. – The Strand/Downtown)

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**STATEMENT OF ISSUE:**

The applicant is requesting that Conditional Use Permit No. 07-021 be continued to the August 14, 2007 Planning Commission meeting. The continuance is requested in order to allow the applicant time to address issues raised by the Police Department.

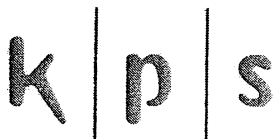
**RECOMMENDATION:**

Motion to:

“Continue Conditional Use Permit No. 07-021 to the August 14, 2007 Planning Commission meeting with the public hearing to be opened.”

**ATTACHMENT:**

Applicant's continuance request, received and dated July 16, 2007



kerr project services, inc.

City of Huntington Beach

JUL 16 2007

July 16, 2007

Rami Talley  
City of Huntington Beach  
2000 Main St.  
Huntington Beach Ca 92648

Re: RA Sushi, CUP NO. 07-021  
155 5<sup>th</sup> St., Unit 183

Rami-

In an effort to resolve the following Police Department comments prior to Planning Commission Hearing, RA Sushi is requesting a continuance to the next Planning Commission Hearing on August 14, 2007:

- The establishment shall be required to have full meal services until one hour before the regular posted closing time.
- The front windows remain closed after 7:00 PM.

Police Chief, Kenneth Small, has been on vacation and therefore unavailable to discuss the above comments.

It is our intent to address these comments as quickly as possible and prepare for the August 14<sup>th</sup> hearing date.

Please contact me with any questions or concerns.

Sincerely,

Valentina Allen